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PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
56055-0013

First named inventor: W. Reed Hastings

Application No.: 09/884,816

Art Unit: 3625

Filed: June 18, 2001

Examiner: James H. Zurita

Title: APPROACH FOR ESTIMATING USER RATINGS OF ITEMS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed **before** June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) 01 FC:1453 1500.00 OP

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Remarks Accompanying Filing of Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and Petition to Defer Issue of Patent Under 37 CFR § 1.314 (identify type of reply):

- ☐ has been filed previously on _____.
☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1,400.00.

- ☐ has been paid previously on _____.
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Copyright 2005 Forms in Word (www.formsinword.com).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Edward A. Becker

Typed or printed name

2055 Gateway Place, Suite 550

Address

San Jose, CA 95110

Address

August 13, 2007

Date

37,777

Registration Number, if applicable

(408) 414-1080 ext 204

Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Petition to Defer Issue of Patent Under 37 CFR § 1.314 and the Petition Fee as specified in 37 CFR § 1.17(h)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

August 13, 2007

Date

Signature

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|---------------------------|
| In re Application of |) | Confirmation No.: 5101 |
| |) | |
| W. Reed Hastings, et al. |) | Group Art Unit: 3625 |
| |) | |
| Serial No.: 09/884,816 |) | Examiner: James H. Zurita |
| |) | |
| Filed: June 18, 2001 |) | |
| |) | |
| For: APPROACH FOR ESTIMATING USER |) | |
| RATINGS OF ITEMS |) | |

**PETITION TO DEFER ISSUE OF PATENT
UNDER 37 CFR §1.314**

Mail Stop Petition

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant hereby petitions to defer issue of the above-identified patent application under 37 C.F.R. § 1.314 to allow sufficient time for the Examiner to consider the pending Rule 312 Amendment that was filed July 27, 2007.

The Rule 312 Amendment amends the specification to correct one or more informalities and does not add any new matter to the application.

This petition is also made to allow sufficient time for the Examiner to obtain the case file and make the changes previously discussed.

A separate Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is also being sent to the U.S. Patent and Trademark Office with this request to defer issuance. A copy is attached to this petition.

Based on the foregoing, it respectfully submitted that Applicant has shown good and sufficient reasons why it is necessary to defer issuance of the patent as requested.

The Office of Petitions is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of this petition.

Pursuant to 37 C.F.R. § 1.314, enclosed is a check for the fee of \$130 as specified in 37 C.F.R. § 1.17(h). To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Dated: August 13, 2007

Edward A. Becker
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Attachments

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Petition, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

On August 13, 2007

By

